



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Metro Boston/Northeast Regional Office



SEMS DocID

594287

William F. Weld
Governor

Trudy S. Cox
Secretary, EOE

David B. Struhs
Commissioner

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

American Glue & Resin, Inc.
c/o Ms. Patricia Auterio
5 Marshall Road
Stoneham, MA 02180

RE: MIDDLETON
Adhesive Manufacturer
School Street
Release Tracking No. 3-0168

NON-NE-95-3P016
Noncompliance with
M.G.L. c. 21E & 310 CMR 40.0000
(Massachusetts Contingency Plan)

NOTICE OF NONCOMPLIANCE

**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN
RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Ms. Auterio:

This Notice of Noncompliance is being sent to American Glue & Resin, Inc. regarding the above-referenced site which was previously classified as a "priority disposal site" and listed as such on the Department of Environmental Protection's (the Department's) August 1993 Transition List of Confirmed Disposal Sites and Locations to be Investigated, or in an addenda to this list. American Glue & Resin, Inc. was previously identified as a "Potentially Responsible Party" (PRP) for the above-referenced site with potential liability under M.G.L. c. 21E, § 5.

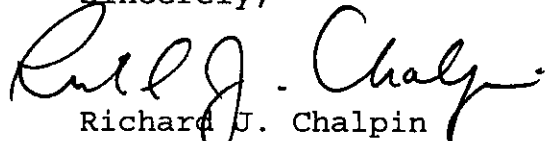
Department personnel have determined that American Glue & Resin, Inc. (hereafter referred to as "you/your") has failed to return to the Department a Transition Classification and Permit Statement which was issued to you in accordance with the Massachusetts Contingency Plan (MCP) and the regulations adopted thereunder, 310 CMR 40.0000.

Attached hereto is a written description of (1) each activity referred to above, (2) the requirements violated, (3) the action the Department now wants American Glue & Resin, Inc. to take, and (4) the deadline for taking such action. An administrative penalty may be assessed for every day from now on that you are in noncompliance with the requirements described in this Notice of Noncompliance.

Notwithstanding this Notice of Noncompliance, the Department reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative penalties assessed by the Department.

If you have any questions about this matter, please contact Margaret Chen of this office at the letterhead address, or by telephoning (617) 932-7711, and refer to the following Release Tracking Number: RTN 3-0168.

Sincerely,



Richard J. Chalpin
Regional Engineer
Bureau of Waste Site Cleanup

Attachment



cc: Ms. Cheryl Auterio, P.O. Box 202, North Reading, MA 01864
Ms. Nancy M. Jones, Chairman, Board of Selectmen
Town of Middleton, 48 S. Main Street, Middleton, MA 01949
Mr. Leo Cormier, Health Agent, Middleton Board of Health
Town of Middleton, 195 N. Main Street, Middleton, MA 01949
Jeffrey Mickelson, DEP/NERO/OGC
Ida Babroudi, DEP/NERO/BWSC
Data Entry/File, DEP/NERO/BWSC

NOTICE OF NONCOMPLIANCE SUMMARY
NON-NE-95-3P016

NAME OF ENTITY IN NONCOMPLIANCE:

American Glue & Resin, Inc.

LOCATION/ADDRESS OF SITE FOR WHICH PERMIT WAS ISSUED:

School Street, Middleton, MA
Release Tracking No. 3-0168
Permit No. 83081

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

American Glue & Resin, Inc. has been in noncompliance since June 30, 1995.

DESCRIPTION OF NONCOMPLIANCE:

(1) On December 20, 1994, the Department issued American Glue & Resin, Inc. a Tier I Transition Classification and Permit Statement (Permit Statement) in which the Department classified the above-referenced site as a Tier IA site. The Permit Statement was received by you on December 22, 1994. In accordance with 310 CMR 40.0640(3), you had 120 days from the date of receipt of the Permit Statement to sign and return the Permit Statement to the Department indicating whether you (1) accepted the terms of the Permit Statement, (2) disagreed with DEP's classification of the site, or (3) do not accept the terms of the Permit Statement. The 120 days deadline expired on April 21, 1995.

(2) In your letter to the Department dated April 13, 1995, you indicated that you were not accepting the Permit Statement, you attached only page 6 (the signature page) of the Permit Statement itself and you altered the language of the Permit Statement. In the specific language provided in the terms of the Transition Classification and Permit Statement, the Department requested that one of the two original copies of the Permit Statement be signed and returned to the Department. In addition, in order for the submittal to be considered valid, the language of the Permit Statement cannot be altered.

(3) In a letter to you dated June 8, 1995, the Department designated an Interim Deadline of 21 days from the issuance of that letter (June 29, 1995) by which you were to return a signed copy, with original signatures, of one of the two original copies of the Permit Statement issued to American Glue & Resin, Inc. Section 310 CMR 40.0167 of the MCP allows the Department to establish and enforce reasonable Interim Deadlines consistent with M.G.L. c. 21E and 310 CMR 40.0000. The June 8, 1995 letter

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further indicated that the text of the Permit Statement could not be altered or amended on the form itself.

(4) As of the date of this Notice of Noncompliance, the Department has still not received a signed original copy of the Permit Statement from American Glue & Resin, Inc.

DESCRIPTION OF THE ACTION(S) TO BE TAKEN NOW, AND THE DEADLINE(S) FOR TAKING SUCH ACTION(S):

Within **twenty-one (21)** days of receipt of this Notice of Noncompliance, American Glue & Resin, Inc. must submit to the Department a complete original copy of the Permit Statement, signed and dated, indicating that you either (1) accept the terms of the Permit Statement, (2) disagree with DEP's classification of the site and seek a Major Permit Modification, or (3) do not accept the terms of the Permit Statement as provided by 310 CMR 40.0640(3)(b)3.

PLEASE BE ADVISED that since an acceptable Permit Statement was not returned to the Department within 120 days of its receipt, nor by the Interim Deadline (June 29, 1995) subsequently established, American Glue & Resin, Inc. will be assessed the Annual Compliance Fee for Tier IB sites (\$2,600) beginning on the day after such Permit Statement was due [310 CMR 40.0640(4)].

For the Department of Environmental Protection

BY: Richard J. Chalpin
Richard J. Chalpin, Regional Engineer
for the Bureau of Waste Site Cleanup

DATE: 8/2/95

Certified Mail No. _____
or Delivery Person _____